IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 1029 of 2007

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CRIME NO.20/2007 OF KALLORKAD POLICE STATION

PETITIONER/ACCUSED

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1. T.D.PETER, S/O. DEVASI, AGED 65 YEARS,
THARAKAN HOUSE, KOTTAPADI P.O., GURUVAYOOR.

2. ANNIE PETER, W/O. PETER, AGED 54 YEARS,
THARAKAN HOUSE, KOTTAPPADI P.O., GURUVAYOOR.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.A.V.TELLES
SRI.VIJO JOSE

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REP. BY
CIRCLE INSPECTOR OF POLICE, KALLOORKAD POLICE
STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. STATE OF KERALA, REP. BY
SUB INSPECTOR OF POLICE, KALLOORKAD POLICE
STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

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B.A. 1029/2007

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Dated this 20th day of February, 2007

**O R D E R**

The petitioners, who are the paternal grand parents of a three year old child by name Leon Tharrakan and who are the accused in crime No.20/2007 of Kallorkad Police Station registered for an offence punishable under Section 363 IPC read with Section 34 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the schedule to Cr.P.C shows that the offence punishable under Section 363 is a bailable offence. If so, the invocation of Section 438 Cr.P.C. is misconceived.

3. This application is accordingly dismissed without prejudice to the right of the petitioners to seek regular bail from the appropriate court.

**V.RAMKUMAR,**
**JUDGE**

mrcs